

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

THE UNITED STATES OF AMERICA

v.

KYUNG HEO

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4:23-CR-212-O

DEFENDANT’S UNOPPOSED MOTION TO CONTINUE SENTENCING

TO THE HONORABLE REED C. O’CONNOR, UNITED STATES DISTRICT JUDGE:

COMES NOW defendant, KYUNG HEO, by and through his counsel, and hereby moves the Court to continue Defendant’s sentencing hearing to mid January. In support thereof, Defendant submits the following:

1. Currently, this case is scheduled for a sentencing hearing at 8:30 a.m. on Thursday, September 21, 2023.
2. Mr. Heo pleaded guilty to a violation of 18 U.S.C. § 2113 and is detained in the custody of the United States Marshals.
3. Counsel for Mr. Heo hired a psychologist to examine him. The psychologist has had difficulty receiving authorization to visit Mr. Heo. She is now scheduled for a follow up visit on November 21, 2023. Based on a conversation today, the report may be ready by the second week of December.
4. In addition, there are unresolved sentencing issues. The Defendant’s Objections to the Presentence Investigation Report are due on November 17. Based on conversations with a prosecutor in the Eastern District of Texas,

counsel believes that Mr. Heo is likely to be indicted by the end of November.

At that point, more discovery may be forthcoming.

5. Lastly, Mr. Heo has family that will be traveling from Illinois and potentially from abroad. More time will help assist their travel plans.
6. Thus, Counsel for Mr. Heo respectfully requests the Court continue the sentencing hearing until mid January.
7. Defendant certifies that this request is not made for the purposes of unwarranted delay or due to a lack of due diligence.
8. The Government is not opposed.
9. Defense counsel is unaware of any scheduling conflicts with the Government.
10. Defense Counsel is unavailable December 29th – January 3rd.

WHEREFORE, Defendant respectfully requests this Court to continue the sentencing hearing until the middle of January.

Respectfully submitted,

JASON D. HAWKINS
Federal Public Defender
Northern District of Texas

/s/ MICHAEL LEHMANN
Michael Lehmann
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Attorney for Kyung Heo

CERTIFICATE OF CONFERENCE

I, Michael Lehmann, hereby certify that I sent an email to Assistant United States Attorney Laura Montes regarding the above motion and she is not opposed.

/s/ MICHAEL LEHMANN

Michael Lehmann

Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I, Michael Lehmann, hereby certify that on November 8, 2023, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court, Northern District of Texas, using the electronic case filing system. The electronic case filing system sent a “Notice of Electronic Filing” to the following attorney of record who has consented in writing to accept this notice as service of this document by electronic means: Laura Montes.

/s/ MICHAEL LEHMANN

Michael Lehmann

Assistant Federal Public Defender